



## **Kansas Department of Health and Environment**

### **Bureau of Air**

**December 14, 2011**

### **Regional Haze Update for the Kansas Legislature**

This brief report will update the Bureau of Air's activities regarding Regional Haze over the last year. The good news is that the Environmental Protection Agency published the proposal to approve the Kansas Regional Haze State Implementation Plan in the Federal Register on August 23, 2011. KDHE provided responses to an EPA concern contained in the proposed approval concerning a startup, shutdown and malfunction provision, as well as to adverse comments submitted to EPA by the National Parks Conservation Association. EPA indicates that they intend to fully approve the Kansas Regional Haze State Implementation Plan by December 15. The notice will be published in the Federal Register in a few weeks after the action is finalized.

This process was set in motion by amendments to the Clean Air Act (CAA) of 1977 when Congress set a national goal to restore national parks and wilderness areas to pristine conditions by preventing any future and remedying any existing man-made visibility impairment. In 1999, the U.S. Environmental Protection Agency (EPA) finalized the Clean Air Visibility Rule to fulfill the goals set forth in the CAA by the year 2064. EPA finalized amendments to the July 1999 Regional Haze Rule on June 15, 2005.

K.S.A. 65-3005 requires the Secretary of the Kansas Department of Health and Environment to report any activities of any visibility transport commission under the Clean Air Act. Kansas is not party to a visibility transport commission. KDHE is required to submit a revision to the State Implementation Plan (SIP) to incorporate the requirements of the Regional Haze Rule. KDHE placed a draft Regional Haze SIP on public notice for comment and a public hearing scheduled for August 20, 2008. The SIP revision for Regional Haze addresses the requirements for applying Best Available Retrofit Technology (BART) to certain older emission sources, including facilities owned by Westar Energy and Kansas City Power & Light. Kansas negotiated Consent Agreements with Westar and KCP&L. The agreements contain the applicable emission limits, compliance schedules and monitoring requirements.

A second public comment period was provided for the revised Regional Haze SIP, and a public hearing was conducted on Thursday, August 27, 2009. Comments from federal agencies (EPA and Federal Land Managers of the Department of Interior) were addressed and the revised SIP was submitted to EPA for approval on October 26, 2009. The entire SIP revision document with appendices can be reviewed at <http://www.kdheks.gov/bar/posthearing.html> .